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CHARACTER AND PUBLIC CAREER

OF

PATRICK HENRY.

COMMENTS UPON MR. JEFFERSON'S LETTER.

CHARLOTTE COURTHOUSE, VA., November 22, 1867.

To the Editor of the Richmond Dispatch:

Dear Sir,—Some days after its appearance, my attention was called to an article in your paper of the 25th July last, copied from the Philadelphia *Age*, which purported to be a manuscript of Thomas Jefferson containing reminiscences of Patrick Henry.

The article contained many statements derogatory to the reputation of Mr. Henry, in whose vindication I feel it my duty to publish this reply. Although the manuscript contains many misstatements of fact, it is doubtless from the pen of Mr. Jefferson, and is evidently the communication furnished Mr. Wirt while he was preparing the life of Henry—as I notice that author, when referring to Mr. Jefferson as authority, quotes in many instances the very words of the article you published, and in other portions of his work seems to be combatting the charges therein made by Mr. Jefferson. Taking the manuscript, then, to be genuine, I can only account for its existence by remembering that it was penned at a period of Mr. Jefferson's life, when the heat engendered by party strife had fixed in his mind distorted views of his political opponents.

The statement that Mr. Henry first came into public notice as a burgess about the year 1762 is incorrect. He was elected for the first time in May, 1765, and during that month made the attack spoken of upon the proposition for a public loan office. (Wirt's Sketches of Henry, p. 61, et seq.) During the same month the famous resolutions against the Stamp Act were offered by Mr. Henry and passed by the House. Mr. Jefferson states that these resolutions were drawn by George Johnston, a lawyer from the Northern Neck, who seconded them. In reply to this, I need only refer to the statement of Mr. Wirt, (p. 74,) that Mr. Henry left amongst his private papers, in his own handwriting, a copy of these resolutions, with an endorsement stating the circumstances under which they were offered, in which endorsement he says: "That alone, unadvised and unassisted, on a blank leaf of an old law book, I wrote the within." This paper was found sealed up and directed to his executors, and comes to us as his dying declaration. It is still in existence at Red Hill.

Mr. Jefferson was at the time a student at William and Mary, and heard the debate; but his statement as to who wrote the resolutions cannot be weighed a

moment against the solemn declaration of Mr. Henry. Nor can I credit Mr. Jeffer. when he says that Mr. Henry was a very inefficient member of deliberative bodies ordinary business, and had not accuracy enough of idea in his head to draw a bill on the most simple subject which would bear legal criticism. He was very frequently placed upon important committees. One of these was the standing committee of Correspondence between the Colonies, appointed by the Virginia House of Burgesses the 12th of March, 1773, which was selected from the best material in the Colony, and which led eventually to a Colonial Congress. We have also the testimony of a very able contemporary as to this matter. George Mason, in a letter to Mr. Cockburn, dated Williamsburg, 26th May, 1774, (Virginia Historical Register, January, 1850, p. 28,) writes: "Whatever resolves and measures are intended for the preservation of our rights and liberties, will be reserved for the conclusion of the session. Matters of this sort here are conducted and prepared with a great deal of privacy, and by very few members, of whom Patrick Henry is the principal. * * * He is by far the most powerful speaker I ever heard. Every word he says not only engages, but commands the attention, and your passions are no longer your own when he addresses them. But his eloquence is the smallest part of his merit. He is, in my opinion, the first man upon this continent, as well in abilities as public virtues; and had he lived in Rome about the time of the first Punic war, when the Roman people had arrived at their meridian glory, and their virtue not tarnished, Mr. Henry's talents must have put him at the head of that glorious commonwealth."

Mr. Jefferson informs us that after his service as Governor, succeeding Mr. Henry, he had no further personal knowledge of him. And yet his most serious charges as to personal conduct refer to subsequent periods. It will be remembered also that Mr. Jefferson never met with him until Mr. Henry was twenty-four years of age.

That Mr. Henry commenced life in very straitened circumstances, is without doubt; but that he ever acted as a bar-keeper, is denied by Mr. Wirt, (p. 37,) who obtained his information from the companions of Mr. Henry's youth.

I am entirely satisfied, also, that Mr. Jefferson has misrepresented Mr. Henry's attainments and conduct as a lawyer. He represents him as too lazy to acquire or practice law, never undertaking to draw pleadings if he could avoid it, engaging very unwillingly, but as an assistant, to speak in the cause, making the fee an indispensable preliminary, keeping no accounts, requiring large fees for his services, insatiable in money, and doing so little business in the general court, other than criminal, that it would not pay the expenses of his attendance. I have in my possession Mr. Henry's fee books, commencing in the latter part of 1760, when he first came to the bar, and coming down to 1771, more than one year after he came to the general court. Sixteen pages of these books have been cut out and lost; but estimating that the fees charged upon them average in numbers with those upon the remaining pages, and I find that Mr. Henry charges fees in 1185 suits, from September, 1760, the commencement of his practice, to the 31st December, 1763, besides many fees for preparing papers out of court. In November, 1763, he was employed in, and in December following he argued, the celebrated parsons' cause which gave him so great a reputation. Afterwards his business increased rapidly; of which, however, only a small portion was criminal, the great bulk being the ordinary suits of the country, plain actions of debt, etc. In these it is preposterous to suppose he appeared only as an assistant, to speak. So far from his being insatiable, his books show the usual moderate charges of the day, such as have been long since discarded by the profession; and many of his fees appear never to have been collected.

Randall, in his Life of Jefferson, (vol. 1, p. 47,) gives the number of causes in which he (Jefferson) was employed in the earlier years of his practice, as evidence of his great success; but judging Mr. Henry by the same rule, his success was much greater before he had made what is usually represented as his first speech. How he acquired or retained a practice so large, and continually increasing, so perfectly unfit for it as Mr. Jefferson represents him, I am at a loss to understand.

Nor can I reconcile with Mr. Jefferson's statement another fact, mentioned by Mr. Wirt and by Mr. Randall: I mean the public advertisement of Robert C. Nicholas, after he was made treasurer, committing his unfinished business to Mr. Henry. Mr. Nicholas was one of the examiners who signed Mr. Henry's license, and enjoyed the first practice at the bar, according to Mr. Wirt; and Mr. Randall thinks (vol. 1, p. 49, Life of Jefferson,) that he committed his practice to Mr. Henry upon the advice of Mr. Jefferson.

The insinuation that Mr. Henry paid for the Leatherwood lands purchased of Mr. Lomax in a discreditable manner—discreditable, as is alleged, because of the depreciated money used in payment—is entirely unjust. The interest of Mr. Lomax was a subject of litigation, and the sworn answer of Mr. Henry in the case is before me, together with the answer of his widow in a suit brought to divide Mr. Henry's estate after his death. By these papers it appears that the purchase was made in 1778 for paper money, and that Mr. Henry sold other lands of equal value in order to pay the purchase money. At the time of the purchase, paper money had depreciated so as to be worth only one-fifth of specie, and that it would further depreciate must have been apparent to all. I find two receipts given by Mr. Lomax, one for five half johannes at 46s., each, dated 30th May, 1778; and the other for £500, cash, dated October, 1778, showing that a large portion of the purchase money was paid during the year of the purchase, and at times when the depreciation of the currency had increased but little. What were the dates of the deferred payments I have not ascertained; but whatever they may have been, no stigma can attach to Mr. Henry for paying for land in the very currency he had contracted to pay, and which he was receiving for lands sold by him to meet the purchase.

Mr. Jefferson has endeavored to connect the name of Mr. Henry with the infamous Yazoo speculation. He asserts that about the close of the war Mr. Henry engaged in this speculation, and bought up a great deal of depreciated paper at 2s. and 2s. 6d. in the pound to pay for it; that the Georgia Legislature having declared that transaction fraudulent and void, the depreciated paper which he had bought up was likely to remain on his hands worth nothing, but that Hamilton's funding system came most opportunely to his relief, and raised his paper from 2s. 6d. to 27s. 6d. the pound. The facts are simply as follows:

On the 7th February, 1795, the Georgia Legislature passed an act selling to four companies, viz: the Georgia, the Georgia and Mississippi, the Upper Mississippi, and the Tennessee—about forty million acres of land for the sum of $500,000. These companies paid the money and obtained deeds to the land. It soon became known, however, that the Legislature had been bribed, and the succeeding Legislature, on the 30th January, 1796, declared the grant fraudulent and void. (Garland's Randolph, vol. 1, p. 66; and Tucker's History of the United States, vol. 2, p. 187.) This transaction became infamous, and was known as the Yazoo speculation; and it is with this that Mr. Jefferson evidently intends to connect Mr. Henry.

I find from Mr. Henry's private papers that late in the year 1789, he, with Judge Paul Carrington, Joel Watkins, Francis Watkins, and some half dozen other gentle-

men—all of high character—entered into a co-partnership, which they called the Virginia Yazoo Company, having for their object the purchase of Georgia lands. In 1789 the Georgia Legislature passed an act to sell to the South Carolina, the Virginia Yazoo, and the Tennessee Companies, a portion of her territory. But refusing to take Georgia certificates in payment, and requiring specie instead, the companies could not pay for the land, and their rights were afterwards declared forfeited. (Tucker's History of the United States, vol. 2, p. 187.) No improper conduct can be charged on the Virginia Yazoo Company in this transaction. They paid no money, and got no land.

I find from a letter from Francis Watkins, the secretary and treasurer of the company, addressed to Mr. Henry, March 7, 1795, that Mr. Scott, the agent of the company in attendance on the Georgia Legislature, had failed to obtain a new grant, while other companies had obtained the lands. Mr. Watkins advised a dissolution of the company forthwith. I have never seen the slightest evidence that Mr. Henry was connected with any other company, nor am I aware that this was ever charged. In further exculpation of the Virginia company I would add, that John Randolph, in the United States Congress, in 1805, assailed with great bitterness the Yazoo speculation and the persons connected with it; yet in 1820, upon the death of Colonel Joel Watkins, one of the Virginia company, Mr. Randolph, long his intimate friend, in writing his obituary, says: "Under the guidance of old-fashioned honesty and practical good sense he accumulated an ample fortune, in which it is firmly believed by all who knew him there was not a dirty shilling."

The only paper which the act of Georgia declaring fraudulent and void the Yazoo speculation could have affected, was the certificates of debt of the State of Georgia held by the companies interested for the purpose of meeting their purchase. And when Mr. Jefferson wrote, he had evidently in his mind that portion of the system urged by Hamilton, whereby the United States assumed the debts of the several States, Georgia among the rest.

The funding and assumption act was approved on the 4th of August, 1790, (Laws of the United States, vol. 1, p. 162,) and gave a considerable value immediately to the paper affected by it. (Randall's Life of Jefferson, vol. 1, p. 606.) Now, it could not have been possible, as stated by Mr. Jefferson, that the act of Georgia, which passed in 1796, depreciated the paper held by Mr. Henry to 2s. 6d., when the system of Hamilton had been in operation for six years, and had given a greater value to that paper from its commencement; nor could the act of Congress of 1790 have come most opportunely to Mr. Henry's relief in 1796, and raised his paper depreciated by the act of Georgia of that year. The desire to impute a discreditable motive to Mr. Henry has evidently resulted in confounding dates; and the act of Georgia in 1796 is put prior to Hamilton's funding system of 1790.

Mr. Jefferson proceeds to state that Mr. Henry continued hostile to the Federal Constitution after its adoption, and expressed more than any other man his thorough contempt and hatred of General Washington; and that from being the most violent of all anti-Federalists, he was brought over to the new Constitution by the effect of Hamilton's funding system on the depreciated paper he owned; that Hamilton became now his idol; and, abandoning the Republican advocates of the Constitution, the Federal Government on Federal principles became his creed.

I have a number of letters written by Mr. Henry after the adoption of the Constitution, among them letters to Richard Henry Lee while a member of the first United States Senate from Virginia, with whom he was on the most intimate terms, and

ose election he had secured over Mr. Madison as the opposing candidate. I find contempt, hatred, or even unkind feeling, expressed anywhere towards General Washington. Mr. Henry's conduct towards General Washington during his whole life is at variance with the statement; and I cannot believe it, resting upon the evidence of but a single witness, who informs us he had no personal knowledge of Mr. Henry at the time. On the contrary, I find that Chief Justice Marshall, who had opportunities of seeing Mr. Henry during this period, states (in note xviii. to vol. 5, Life of Washington,) that Mr. Henry was truly the personal friend of General Washington. To the same effect is the testimony of Mr. A. Blair, secretary of the Council of Virginia. (Sparks's Writings of Washington, vol. 11, Appendix xviii.) He writes to General Washington June 19, 1799: "I had the honor to qualify for my present office when Mr. Henry commenced the administration of our Revolutionary Government. From that period to the day of his death I have been on the most intimate, and I believe friendly, terms with him. * * * With regard to you, sir, I may say, as he said of Marshall, that *he loved you*, and for the same reason, because you felt and acted as a Republican—as an American."

Mr. Henry's independence of character was too great to permit him ever to make an idol of Hamilton or of any other man. If he could have been induced to idolize Mr. Jefferson, Mr. Jefferson's reminiscences doubtless would have assumed a different hue. So far from permitting the financial system of Hamilton to change his politics, one of the last acts of Mr. Henry's public life was a protest against the very feature of that system which, if Mr. Jefferson is to be believed, put money into Mr. Henry's pocket and made him a political apostate.

In the Virginia Assembly of 1790, the last in which Mr. Henry sat, on the 3d November, the following resolution was adopted by the House of Delegates:

"*Resolved*, That so much of the act of Congress entitled an act making provision for the debt of the United States as assumes the payment of the State debts is repugnant to the Constitution of the United States, as it goes to the exercise of a power not expressly granted to the General Government."

On the vote adopting this resolution, Mr. Henry's name is with the ayes. (Vide Journal of the House of Delegates for 1790, pp. 35 and 36.)

That Mr. Henry opposed the adoption of the Constitution in its unamended form is true; but that he continued hostile to it afterwards is not true, if he himself is to be believed. Amongst his papers there is a copy, in his own hand, of his reply to General Washington when offered the position of Secretary of State. It is dated October 17, 1795; and after giving his reasons for declining the appointment, which are of a private nature, it continues:

"Believe me, sir, I have bid adieu to the distinction of Federal and anti-Federal ever since the commencement of the present Government, and in the circle of my friends have often expressed my fears of disunion amongst the States from collision of interest, but especially from the baneful effects of faction.

"The most I can say is, that if my country is destined in my day to encounter the horrors of anarchy, every power of mind and body which I possess will be exerted in support of the government under which I live, and which has been fairly sanctioned by my countrymen.

"I should be unworthy the character of a Republican or an honest man if I withheld from the Government my best and most zealous efforts because on its adoption I opposed it in its unamended form. And I do most cordially execrate the conduct

of those men who lose sight of the public interest from personal motives. It is a painful regret that I perceive any occurrences of late have given you uneasiness. Indeed, sir, I did hope and pray that it might be your lot to feel as small a portion of that as the most favored condition of humanity can experience. And if it eventually comes to pass that evil, instead of good, comes out of the public measures you may adopt, I confide that our country will not so far depart from her character as to judge from the events, but give full credit to the motives and decide from these alone. Forgive, sir, these effusions, and permit me to add to them one more, which is an ardent wish that the best rewards which are due to a well-spent life may be yours.

"With sentiments of the most sincere esteem and high regard, I ever am, dear sir, your much obliged and very humble servant, P. Henry."

(See also letter of P. Henry to General Henry Lee. Sparks's Writings of Washington, vol. 10, Appendix xxiii.)

These letters show that Mr. Henry had in good faith carried out the purpose expressed in the last speech he made against the Constitution in the Convention of 1788. He then declared that he would live under it a peaceable citizen, and that he would endeavor to remove its defects in a constitutional way, alluding to the amendments afterwards proposed. (Robertson's Virginia Debates, p. 465.) Though opposed to Jay's Treaty and the Alien and Sedition Laws, he yet refused to go with that party which he believed had a tendency to break up the Government. (See his letter to A. Blair, Sparks's Writings of Washington, vol. 11, Appendix xviii.) The famous resolutions of the Virginia Legislature of '98 and '99 aroused in his mind the strongest fears lest the country should encounter the horrors of anarchy, and many of the best and wisest of the land shared his apprehensions. It was at the earnest solicitation of General Washington that he determined to offer for a seat in the ensuing Legislature, and redeem the promise contained in the extract above. Different accounts have been given of his speech in the canvass—the last speech he ever made. But a publication made by Mr. Charles Campbell in the Petersburg *Index* of August last settles the question. He publishes the certificates of George Woodson Payne, Mr. Henry's brother-in-law, and of the Rev. Clement Read, Colonel Clement Carrington, and Robert Morton, his countrymen, and gentlemen of high character and intelligence. Three of these gentlemen heard Mr. Henry's last speech, and testify that his effort was to quiet the minds of the people, to persuade them to use constitutional means to remedy their grievances, and thus to prevent a dissolution of the Union; and three of them testify that Mr. Henry disapproved of the Alien and Sedition laws.

The terms Federalist and anti-Federalist, first used to designate the parties proposing and opposing the Constitution, after its adoption changed their meaning. Before the post-constitutional parties had become defined, which so powerfully convulsed the country, Mr. Henry had retired from public life. He declined a re-election to the Legislature in the spring of 1791. Death prevented his sitting in the session of 1799, and his last speech was the only political speech he made after those parties arose. His letter to Mrs. Aylett in 1796, (Wirt's Henry, p. 400,) declares that at that time he had not changed his political opinions; and where have we the evidence of his political apostacy at any time? If Mr. Jefferson relies on Mr. Henry's opposition to the resolutions of '98 and '99 to establish his apostacy, the answer is at hand. If the fact that Mr. Henry, after opposing the adoption of the Constitution, opposed the resolutions of '98 and '99, proves his apostacy, the fact that Mr. Madison and Mr.

son, after supporting the adoption of the Constitution, supported the resolutions of '98 and '99, proves their apostacy. If Mr. Jefferson intended to fix the apostacy in the year 1790, the date of Hamilton's funding system, then I answer that the Legislature of Virginia did not look upon Mr. Henry as an apostate. In 1794, Mr. Henry was elected United States Senator, and in 1796 he was elected Governor for the fifth time.

The charge, then, against Mr. Henry of political apostacy from corrupt motives is, I submit, utterly untrue; and his character is untarnished by such ungenerous aspersions, from whatever quarter they may come, or with whatever design they may be uttered.

The statement that "General Washington offered Mr. Henry the position of Secretary of State to flatter him, knowing he would not accept, and was entirely unqualified for it," if true, is more discreditable to General Washington than to Mr. Henry. But it is contradicted by the statement of General Washington contained in the letter offering the position. In that letter he said to Mr. Henry: "It would be uncandid not to inform you that this office has been offered to others; but it is as true that it was from a conviction in my own mind that you would not accept it (until Tuesday last, in a conversation with General Lee, he dropped sentiments which made it less doubtful) that it was not offered first to you. I need scarcely add that if this appointment could be made to comport with your inclination, it would be as pleasing to me as I believe it would be acceptable to the public. With this assurance and with this belief, I make you this offer of it. My first wish is that you would accept it." (Sparks's Writings of Washington, vol. 11, p. 81.)

If General Washington's design was to flatter Mr. Henry, or to get from him his political status, surely the answer he received must have been satisfactory.

What, then, must we conclude from the following extract from a letter from General Henry Lee to Mr. Henry, dated the 26th December of the same year, which is before me, remembering that General Lee (according to Mr. Jefferson) was acting as the common friend of General Washington and Mr. Henry? Says General Lee:

"The Senate has disagreed to the President's nomination of Mr. Rutledge, and a vacancy in that important office has taken place. For your country's sake, for your friends' sake, for your family's sake, tell me you will obey a call to it. You know my friendship for you; you know my circumspection; and I trust you know, too, that I should not address you on such a subject without good grounds. Surely, no situation better suits an individual than that will you. You continue at home only on duty. Change of air and exercise will add to your days. The salary excellent and the honor very great. Be explicit in your reply."

How strange that General Washington, so admirable a judge of men, should offer the position of Secretary of State to one who had "no accuracy of idea in his head," and, if General Lee is to be believed, should be willing to appoint the same man Chief Justice of the United States, though he had been always "too lazy to acquire or practice law"! I can only find a parallel to this conduct in that of the State of Virginia towards the same person, which, though abounding in great men at the time, imposed upon Mr. Henry her highest offices during a period of more than twenty years, and continued to proffer them even after they had been steadfastly refused.

That the violence of party spirit, scrupling at no misrepresentation to injure an opponent, did, in some small measure, succeed in alienating from Mr. Henry the affections of his countrymen after his voice was hushed in death, may be true; but

it could never have been said with truth "that he sunk to nothing in the estima of his country." The effect of detraction, however, was ephemeral. Mr. Wirt could write in 1817: "The storm of 1799, thank Heaven, has passed away, and we again enjoy the calm and sunshine of domestic peace. We are able to see with other eyes and to feel with far different hearts. * * * The sentiments now so universally expressed in relation to Mr. Henry evince that the age of party resentment has passed away, and that that of the noblest gratitude has taken its place."

In conclusion, I cannot but express regret that, of the private and confidential communications received by Mr. Wirt, and by him studiously withheld from the public eye, this one, containing rumors and opinions to the disadvantage of Mr. Henry—rumors refuted by other evidence, and opinions overthrown by a large majority of voices, as we are assured by Mr. Wirt himself—should have appeared in print at this late day. (See letter to F. W. Gilmer, Kennedy's Life of Wirt, vol. 2, p. 79, which evidently refers to this manuscript.) It cannot but create unpleasant feelings even in the minds of the warmest friends of Mr. Jefferson. Mr. Wirt refused to give publicity to this manuscript, doubtless in accordance with the desire of Mr. Jefferson himself, to whose criticism he submitted his Life of Patrick Henry in manuscript, and by whose advice he published it. (See letters of Jefferson and Wirt, Kennedy's Life of Wirt, vol. 1, pp. 407—412.)

WM. WIRT HENRY.

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